

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

In re: GRETTER AUTOLAND, INC.,  
Debtor,

CASE NO. 14-02831als  
Chapter 11

Adversary No. 15-30042

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BROWN, WINICK, GRAVES, GROSS,  
BASKERVILLE AND SCHOENEBAUM,  
P.L.C.,

Plaintiff,

v.

EDWARDS AUTO PLAZA, INC.,

Defendant.

COMES NOW, the Defendant, Edwards Auto Plaza, Inc. (hereinafter “Edwards”), and objects to the Motion for Relief From Order filed by Brown Winick at Filing No. 19. Edwards respectfully requests that the order of dismissal in this matter remain in place. In support of its objection, Edwards respectfully states as follows:

1. Edwards has consistently maintained that this interpleader should be dismissed. Edwards objects to the Motion for Relief From Order on the basis that granting the motion would merely draw this matter out, leading to a subsequent hearing on the Motion to Dismiss previously filed by Edwards, but yet at least another month in the future. Edwards has been deprived of its \$75,000 deposit since Edwards advised Debtor that the Asset Purchase Agreement was terminated subsequent to the Court’s Order of August 17, 2015.

2. The Court’s rationale for granting the Motion to Dismiss was sound.

3. Edwards continues to maintain that no cause of action was stated; necessary parties were not joined; and, in addition, the “Joinder” filed by the Chapter 7 Trustee is of no legal effect. The Motion for Relief from Order is futile.

4. Brown Winick had ample time to deposit funds with the Court.

WHEREFORE, Edwards respectfully prays that the Motion for Relief From Order be denied.

Dated this 5<sup>th</sup> day of January, 2016.

EDWARDS AUTO PLAZA, INC., an Iowa Corporation, Defendant,

By: /s/ Matthew V. Rusch

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 5, 2016, the foregoing document was filed electronically with the Clerk of Court using the Court's CM/ECF system, which sent notification to all individuals who requested such notice through the CM/ECF system.

/s/ Matthew V. Rusch